

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P802924/WO/1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/006951	International filing date (day/month/year) 26.06.2004	Priority date (day/month/year) 01.07.2003
International Patent Classification (IPC) or national classification and IPC B60J7/14		
Applicant DAIMLERCHRYSLER AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/006951

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-6 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-3 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/1 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/006951

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-3</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-3</u>	NO
Industrial applicability (IA)	Claims	<u>1-3</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: DE 102 13 836 A (VALMET AUTOMOTIVE), 31 October 2002
(2002-10-31)D2: WO 00/73096 A (GUILLEZ JEAN MARC), 7 December 2000
(2000-12-07)D3: EP-A-0 835 780 (BAYERISCHE MOTOREN WERKE AG; KARMANN
GMBH W (DE)), 15 April 1998 (1998-04-15)D4: US 2001/042992 A1 (OBENDIEK KLAUS), 22 November 2001
(2001-11-22)D5: US 2003/184116 A1 (GUILLEZ JEAN-MARC), 2 October 2003
(2003-10-02)D6: US 2003/189356 A1 (BERNHARDT ALEXANDER), 9 October 2003
(2003-10-09)D7: US-B1-6 585 310 (GUILLEZ JEAN-MARC ET AL), 1 July 2003
(2003-07-01)D8: US 2003/201658 A1 (HABERL FRANZ), 30 October 2003
(2003-10-30)2.1 Independent claim 1Document D1, which is considered to be the closest prior
art, discloses a hardtop. The subject matter of claim 1

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differs in that when the roof is in the open position the front roof section is separate from the rear and centre roof sections and lies either against a seat backrest or against the vehicle fuel tank.

In view of these features, the objective problem addressed by the invention is that of designing a cabriolet vehicle that has an adequately sized luggage compartment.

However, these features have already been employed for the same purpose in a similar cabriolet vehicle (see document D2, in particular page 11, lines 9 to 14, and figure 12). A person skilled in the art wishing to achieve the same purpose could easily incorporate these features in a cabriolet vehicle as known from D1 with similar results so as to arrive at a cabriolet vehicle as claimed in claim 1.

The subject matter of claim 1 therefore does not involve an inventive step (PCT Article 33(3)).

2.2 Dependent claims 2 and 3

Dependent claims 2 and 3 relate to other embodiments of the invention according to claim 1, and likewise fail to meet the requirements of the PCT, since in order for them to meet these requirements the claim to which they are appended would also have to meet the requirements. The features of the subsequent claims appear to be known, at least *per se*, from the cited documents, and therefore do not include any essential aspects that might in any way establish novelty or an inventive step.

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2.3 General observations and suggestions for the remainder
of the procedure

Amendments (preferably in handwritten form) should be submitted on complete **replacement sheets** that can be inserted among the existing pages without interrupting the flow of the text or the page numbering (supplementary sheets may be used if necessary). **It is noted that the International Preliminary Examining Authority is not authorised to make amendments to what has been submitted, even if requested to do so by the applicant.**

The applicant is reminded that the application may not be amended in such a way that its subject matter goes beyond the disclosure in the version originally filed (PCT Article 34(2)(b)).

Information that relates to the subject matter of the invention (for example, additional details relating to the advantages of the invention or to the problem addressed) but has no support in the original application can if necessary be mentioned in the letter of response but not added to the application (PCT Article 33(2)(b)).

In order to accelerate the rest of the examination procedure the applicant is requested to indicate in the letter of response which parts of the original application might serve as a basis for the amendment(s).